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September 4, 2008

BY CM/ECF

The Honorable Mary Pat Thyng
J. Caleb Boggs Federal Building
844 North King Street
Wilmington, DE 19801

Re: Roquette Freres v. SPI Pharma, Inc., et al., C.A. No. 06-540 (GMS)(MPT)

Dear Judge Thyng:

On behalf of defendant SPI Pharma, Inc. ("SPI"), we write to notify the Court that the parties have completed discovery pursuant to Your Honor's Scheduling Order dated June 3, 2008 (D.I. 187). There is one discovery dispute concerning expert disclosures remaining between the parties, which is set for a hearing tomorrow, September 5, 2008 at 12:15 p.m. Once that matter is resolved, SPI therefore respectfully submits that this case is ready for scheduling the remaining matters necessary to conclude the litigation, *e.g.*, (i) the submission of claim construction briefs; (ii) a *Markman* hearing; (iii) dispositive motions; (iv) a pretrial order and associated pretrial submissions; and (v) trial.

We note that there are four pending motions in the case. These motions, irrespective of their outcomes, do not require any additional discovery beyond what the parties have already provided, and therefore do not stand in the way of further scheduling. For reference, these motions are: (i) Defendants Anhydro U.K. Ltd., Drytec Contract Processing Ltd. and Anhydro Holding A/S's (together, "co-defendants") July 10, 2007 motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(2) for lack of personal jurisdiction (D.I. 70-74, 84, 88), for which the parties have consented (D.I. 39) to Your Honor's jurisdiction, subject to the approval of the Court; (ii) SPI's December 28, 2007 motion for leave to amend its Answer and Counterclaims to add an affirmative defense and counterclaim of unenforceability of the '777 patent due to inequitable conduct (D.I. 147, 148, 152,

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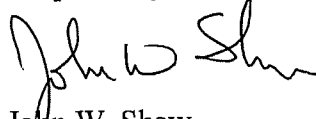
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155); (iii) Roquette's February 6, 2008 motion for leave to file a sur-reply in response to SPI's reply brief (D.I. 156-158, 162); and (iv) Roquette's April 15, 2008 motion for leave to file a second supplemental answering brief in opposition to co-defendants' motion to dismiss for lack of personal jurisdiction (D.I. 171, 180, 181).

Finally, we note that plaintiff Roquette declined to join this letter. According to Roquette, under rules Roquette has failed to identify, it is improper to identify this matter for Your Honor as being in a position for further scheduling.

Should Your Honor desire to discuss any of these matters, we are available at the convenience of the Court.

Respectfully submitted,



John W. Shaw
(No. 3362)

JWS:ht

cc: Clerk of the Court (By Hand Delivery)
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